

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.14717 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of Respondents 2 and 3 in not setting aside orders of the 3rd respondent removing the petitioner from service as illegal and unconstitutional and direct the respondents to see that petitioner is restored to the post of Welfare Officer in establishment of 3rd respondent by setting aside the proceedings dated 02-07-2014 and 10-08-2015 with all consequential benefits.”

Heard Sri K.S. Murthy, learned counsel for the petitioner and learned Government Pleader for Labour.

As against the orders passed by the 3rd respondent dispensing with the service of the petitioner, the petitioner herein filed R.T.I. application before the Director of Factories – 2nd respondent herein. The 2nd respondent by way of an order vide Lr.No.A3/1176/2014, dated 10-08-2015 rejected the said appeal. As against the said order the petitioner herein filed appeal on 10-09-2015 under Rule 76 (B) (v) of the A.P. Factories Rules, 1950 read with Section 49 of the Factories Act, 1948.

The grievance of the petitioner in the present writ petition is despite lapse of considerable length of time no orders have been passed by the 1st respondent on the said appeal, dated 10-09-2015 and in view of the same, the petitioner is sustaining irreparable

loss.

Having regard to the nature of controversy and in the facts and circumstances of the case, this Court is of the considered opinion that the 1st respondent is not justified in keeping the appeal pending and this Court is of the further opinion that the ends of justice would be served if the

1st respondent is directed to pass appropriate orders on the appeal, dated 10-09-2015 filed by the petitioner herein by fixing some timeframe.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent to consider the appeal, dated 10-09-2015 said to have been filed by the petitioner herein and pass appropriate orders, in accordance with law, within a period of three (3) months, from the date of receipt of a copy of this order, after giving notice and opportunity of being heard to the petitioner herein.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

April 27, 2016

Pn

-

-

-

THE HON'BLE SRI JUSTICE A.V. SESA SAI

-

-

-

-

-

